

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MINISTER TIMOTHY LUTHER McNAIR,

Plaintiff,

v.

KAI LYNN HARRIS or KAI LYNN ELLIOT,

Defendant.

No. 3:18-cv-02136-JR

OPINION AND ORDER

MOSMAN, J.,

On January 24, 2019, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F&R) [7], recommending that this action be dismissed for failure to allege subject matter jurisdiction, without leave to amend. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

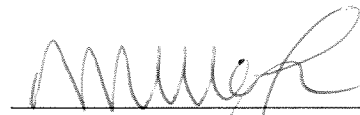
court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation and I ADOPT the F&R [7] as my own opinion. This action is DISMISSED without leave to amend.

IT IS SO ORDERED.

DATED this 11 day of February, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge